

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Minutes - Draft

Thursday, November 1, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER - 1:04 PM

ROLL CALL

Present 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

INVOCATION

Prophet George Young

CONSENT AGENDA

*A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells to adopt the Consent Agenda, as modified.
(VOTE: 7-0, MOTION CARRIED)*

*MODIFICATION:
File #120302 – Purchase of Motorola Radios from CIP Funds for GPD in Fiscal Year 2013 – (Removed From the Agenda).*

CITY MANAGER, CONSENT AGENDA ITEMS

120415 Contract for Inmate Work Crew for the Solid Waste Division (B)

This item is a request for the City Commission to approve a contract between the City of Gainesville (City) and Florida Department of Corrections (FDOC) for Inmate Work Crew for Litter Clean-up for the term of December 16, 2012 through December 15, 2013.

RECOMMENDATION *The City Commission authorize the City Manager to execute the contract with Florida Department of Corrections for a contractual inmate work crew through December 15, 2013, subject to approval by the City Attorney as to form and legality.*

This Matter was Approved as Recommended

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

120466. REGINA S. GAINEY vs. CITY OF GAINESVILLE, GAINESVILLE CODE ENFORCEMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO.

2012-CA-4035 (B)

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Regina S. Gainey vs. City of Gainesville, Gainesville Code Enforcement; Eighth Judicial Circuit, Case No. 2012-CA-4035.

This Matter was Approved as Recommended

120478. JOHN E. FOWLER and LYNDALE G. FOWLER, HUSBAND and WIFE vs. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-11-CA-6094. (B)

RECOMMENDATION

The City Commission 1) approve the terms of the mediated settlement; and 2) authorize the City Attorney to settle the claim of John E. Fowler and Lyndal Fowler, husband and wife v. City of Gainesville; Alachua County Circuit Court Case No.: 01-11-CA-6094, on behalf of the City.

This Matter was Approved as Recommended

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

120512. City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of September 20, 2012, September 24, 2012, October 4, 2012 and October 18, 2012, as circulated.

This Matter was Approved as Recommended

120491. Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION

The City Commission appoint:

David Wasserman to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/15

David Denslow to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire 10/7/14.

Jorge Ibanez to the City Beautification Board for a term to expire 11/1/15.

Lois Harrison to the Citizens Advisory Committee for Community Development for a term to expire 11/1/15.

Crystal Goodison to the City Plan Board for a term to expire 11/1/15.

Seth Lane, Benjamin Himschoot, and Kathleen Norris to the Development Review Board for a term to expire 11/1/15.

Ekaterina Vorotnikova as a student member to the Pension Review Committee for a term to expire 7/31/14.

This Matter was Approved as Recommended

Approval of the Consent Agenda

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, to Adopt the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

*A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Bottcher to adopt the Regular Agenda, as modified.
(VOTE: 7-0, MOTION CARRIED)*

MODIFICATIONS:

- 1. File #120442 – (New Item) Bid Award – Depot park Phase II Pond and Pump Station Project – (Added to the Regular agenda under City Manager).*
- 2. File #120381 – Base Level Transit Services Agreement with Alachua County Board of County Commissioners - (Moved From City Manager Regular to Scheduled Evening Agenda Items).*
- 3. File #120382 – Transit Services Agreement Route 75 with Alachua County Board of County Commissioners – (Moved from City Manager Regular to Scheduled Evening Agenda Items).*

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

120250. Request Policy Direction from the City Commission on the Purchase of Surplus Lands Designated for the City of Gainesville (B)

Assistant City Manager Fred Murry gave a presentation.

MOTION: 1) Give permission to our staff and community to fully pursue this opportunity; 2) aim for a clean break from the past use of this site, from prison to community asset; 3) seek full partnership and support from the state; 4) create a process to establish a community vision, clear plan and funding; 5) we would not continue to pursue the buffer south of the facility should we not be moving forward with the facility; 6) move forward with the acquisition of the north side of Morningside; and 6) request that staff prepare a financial analysis of this property and the 53rd Avenue site comparing them for possible use as the One-Stop Homeless Shelter.

Mayor Lowe recognized Arupa Freeman, Byron Flagg, Jack Donovan, Bob Freeman and Pat Fitzpatrick who spoke to the matter.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on the availability of the State surplus properties; 2) direct the City Manager to identify the funds for the DOC portion of the project; and 3) take whatever action deemed appropriate.

Alternative Recommendation

The City Commission: 1) hear a presentation from City Staff on the availability of State surplus properties; and 2) direct the City Manager or his designee to negotiate the purchase of the conservation portions of the property in draft Map A.

A motion was made by Commissioner Hinson-Rawls, seconded by Commissioner Wells, that this Matter be Approved as shown above (See Motion). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120340. Adoption of Gainesville Fire Rescue Standards of Cover and Strategic Plan (B)

This item requests the Commission receive a presentation from the Fire Chief to consider adoption of the Gainesville Fire Rescue Standards of Cover and Strategic Plan.

Fire Chief Gene Prince gave a presentation.

RECOMMENDATION

The City Commission: 1) hear a presentation from the Fire Chief; and 2) adopt the 2012 Gainesville Fire Rescue Standards of Cover and Strategic Plan.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Hawkins, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120442. Bid Award - Depot Park Phase II Pond and Pump Station Project (B)

This is a request for the City Commission to authorize the bid award in the amount of \$5,191,900 to R.E. Arnold Construction, Inc., for the Depot Park Phase II Pond and Pump Station project.

Public Works Engineer John Veilleaux and Public Works Director Teresa Scott gave presentations.

Mayor Lowe recognized Cade Museum Representative Dorrie Hipschman who spoke to the matter.

NOTE: Commissioner Chase left the meeting room at 3:45 PM and returned for the evening session.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; and 2) award the bid to R.E. Arnold Construction, Inc., for the construction of the Depot Park Phase II Pond and Pump Station project; 3) authorize the City Manager to execute the contract, subject to approval as to form and legality by the City Attorney; and 4) issue a purchase order in an amount not to exceed \$5,191,900.

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Bottcher, and Commissioner Hinson-Rawls

Absent: 1 - Commissioner Chase

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

Commissioner Thomas Hawkins

120542. Signage and Pavement Marking Improvements for Pedestrian Safety (NB)

RECOMMENDATION *The City Commission refer to the Recreation, Cultural Affairs and Public Works Committee the issue of improvements to signage and pavement markings to enhance pedestrian safety.*

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on 5/1/2013. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

Commissioner Yvonne Hinson-Rawls

Visioning Session.

RECESS - 4:10 PM

RECONVENE - 5:37 PM

PLEDGE OF ALLEGIANCE (5:30pm)

Bob Gasche, Gator Detachment of the Marine Corp League World War II Veteran

PROCLAMATIONS/SPECIAL RECOGNITIONS

120492. World Diabetes Day - November 14, 2012 (B)

RECOMMENDATION *UF Diabetes Center of Excellence Director of Patient and Professional Education Kathryn A. Parker to accept the proclamation.*

Heard

120493. National Philanthropy Day - November 15, 2012 (B)

RECOMMENDATION *Association of Fundraising Professionals AFP NCF Chapter President Sherry Houston to accept the proclamation.*

Heard

120494. The Doris Day - November 3, 2012 (B)

RECOMMENDATION *The Doris Bardon Community Cultural Center Director Lytha Nicholson, Arts Association of Alachua County President Ellen West and Chair: The Birthday Bash Committee Murray Laurie to accept the proclamation.*

Heard

120495. Civility Month - November 2012 (B)

RECOMMENDATION *The City Commission to accept the proclamation.*

Heard

120496. Veterans Day - November 11, 2012 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

Heard

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

John Davies - Political Issues.

Gabriel Hillel - Legal Issues.

Pat Fitzpatrick - One Stop Homeless Center.

Rob Brinkman - County Commission Meeting - Biomass Plant.

Debbie Martinez - County Commission Meeting - Biomass Plant.

Jo Beaty - \$67,000 Settlement from JP Morgan.

120550. Jo Beaty - Citizen Comment - GRU \$67,000 JP Morgan Settlement (B)

RECOMMENDATION *The City Commission hear comments from Jo Beaty and place back-up submitted on file.*

Placed on File

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

PLAN BOARD PETITIONS

120428.

Amend the Housing Element for the updated Comprehensive Plan (B)

Petition PB-12-98 CPA. Update the City of Gainesville Comprehensive Plan Housing Element.

Principal Planner Onelia Lazzari and Planner Jason Simmons gave presentations.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-98 CPA with a minor staff change to Policy 3.1.9 presented at the meeting. Plan Board vote 5-0.

Staff to City Commission - The City Commission approve Petition PB-12-98 CPA as amended by the Plan Board.

Staff to the Plan Board - Approve Petition PB-12-98 CPA with a minor change in wording in Policy 3.1.9.

A motion was made by Commissioner Wells, seconded by Commissioner Hinson-Rawls, that this Matter be Approved (Petition) as amended by staff. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120429.

Update the Comprehensive Plan Intergovernmental Coordination Element (B)

Petition PB-12-99 CPA. Update the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element.

Lead Planner Dean Mimms gave a presentation.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-99 CPA. The Plan Board voted 5-0.

Staff to City Commission - The City Commission approve Petition PB-12-99 CPA.

Staff to City Plan Board - The Plan Board approve Petition

PB-12-99 CPA.

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Wells, that this Matter be Approved (Petition). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

120369. Election Town Hall Meeting (NB)

City Auditor Brent Godshalk gave a presentation.

MOTION: 1) Ask the City Attorney to prepare a proposed charter amendment that would include moving City elections to the fall of odd-numbered years with the General Election being held in early October and a runoff to be held, if necessary in November; 2) include changing the terms from 3 years to 4 years for Commissioners and maintaining a two consecutive term limit; 3) ask appropriate staff to develop a transition plan if the charter amendment passes; and 4) authorize the City Commission to pass ordinances to enable the transition.

(VOTE: 7-0, MOTION CARRIED)

Mayor Lowe recognized Debbie Martinez, Jo Beaty, Rob Brinkman and Ernesto Martinez who spoke to the matter.

NOTE: See additional motion below, referral #120369.

RECOMMENDATION *The City Commission discuss this item and take whatever action is deemed appropriate.*

A motion was made by Mayor-Commissioner Pro Tem Poe, seconded by Commissioner Chase, that this Matter be Approved as shown above (See Motion). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120551. City Commission Candidate Qualification Process Referral (NB)

RECOMMENDATION *The City Commission refer the issue of Including a requirement of collecting petitions for the candidate qualification process to the Audit, Finance and Legislative Committee.*

A motion was made by Commissioner Bottcher, seconded by Commissioner Wells, that this Matter be Referred to the Audit, Finance and Legislative Committee,. The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120381. Base Level Transit Services Agreement with Alachua County Board of County Commissioners (County) (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (County).

RTS Chief Transit Planner Doug Robinson and RTS Director Jesus Gomez gave presentations.

Mayor Lowe recognized Mark Kareem, Regina Lewis, Joan Hall and Jo Beaty who spoke to the matter.

NOTE: Mayor-Commissioner Pro Tem Poe left the meeting room at 8:42 PM.

FIRST MOTION: A motion was made by Commissioner Chase, seconded by Commissioner Hawkins to amend the RTS budget for FY 13 and 14, to fund current services (County) allocating additional funds from fund balance over the next two years.

(VOTE: 5-0, Mayor-Commissioner Pro Tem Poe and Commissioner Hinson-Rawls - Absent, MOTION CARRIED)

SECOND MOTION: A motion was made by Commissioner Hawkins, seconded by Commissioner Wells to: 1) Direct staff to bring back proposals for enhancements for transit within the City Limits on the East side in the next coming budget year, equal to the amount allocated from RTS reserves to fund the County routes (see above); and 2) direct staff to also prepare an incremental allocation during the budget process from the General Fund to RTS for consideration, so that this withdrawal from the RTS reserve is sustainable.

(VOTE: 5-1, Mayor-Commissioner Pro Tem Poe - Absent; Commissioner Chase - No, MOTION CARRIED)

THIRD MOTION (MAIN MOTION): A motion was made by Commissioner Hawkins, seconded by Commissioner Wells to approve the recommendation.

(VOTE: 6-0, Mayor-Commissioner Pro Tem Poe - Absent, MOTION CARRIED)

RECOMMENDATION

The City Commission: 1) hear from a presentation from RTS; and 2) authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (County) for the period of October 1, 2012, through September 30, 2013, subject to approval by the City Attorney as to form and legality.

A motion was made by Commissioner Hawkins, seconded by Commissioner Wells, that this Matter be Approved, as shown above (Main Motion). The motion carried by the following vote:

Aye: 7 - Mayor Lowe, Mayor-Commissioner Pro Tem Poe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

120382. Transit Services Agreement Route 75 with Alachua County Board of County Commissioners (County) (B)

This item is a request to authorize the City Manager to execute the Transit Services Agreement (Route 75) between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (County).

RECOMMENDATION

The City Commission authorize the City Manager to execute the Transit Services Agreement (Route 75) with Alachua County Board of County Commissioners (County) for the period of October 1, 2012, through September 30, 2013, subject to approval by the City Attorney as to form and legality.

A motion was made by Commissioner Hawkins, seconded by Commissioner Hinson-Rawls, that this Matter be Approved as Recommended. The motion carried by the following vote:

Aye: 6 - Mayor Lowe, Commissioner Hawkins, Commissioner Wells, Commissioner Chase, Commissioner Bottcher, and Commissioner Hinson-Rawls

Absent: 1 - Mayor-Commissioner Pro Tem Poe

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Randy Wells

Political Issues.

Commissioner Yvonne Hinson Rawls

- 1. Winn Dixie*
- 2. GRU acceptance of \$67,000 settlement.*

NOTE: Commissioner Hinson Rawls made a motion, but later withdrew it.

Commissioner Todd Chase

Amendments on the upcoming ballot.

CITIZEN COMMENT (If time available)

Jo Beaty - \$67,000 Settlement.

Debbie Martinez - Biomass Contract.

ADJOURNMENT - 10:17 PM